

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-4, 8, 11-25 and 62-66 are in the case.

I. THE NEW CLAIMS

Claim 1 has been amended to incorporate the subject matter of claim 7. Claims 5, 6 and 7 have been canceled without prejudice. Entry of claim 1 as amended is believed to be in order since the feature introduced into claim 1 appears in previous claim 7 and the number of claims has not been increased. Entry and favorable consideration of the claims as amended are accordingly respectfully requested.

II. THE REJECTIONS

Claims 1-8, 11-25 and 62-66 stand rejected on alleged obviousness-type double patenting grounds as allegedly unpatentable over claims 1-8 of U.S. Patent 6,017,834 in view of Bonfield et al and Turner (U.S. Patent 4,662,887). In addition, claims 1-8, 11-25 and 62-66 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent 6,017,834 to Ward et al in view of Bonfield et al and Turner et al. Those rejections are respectfully traversed.

The art relied upon by the Examiner fails to disclose or suggest a combination of 1mm or smaller fibers with an apatite. Turner refers to covering the filler of its prosthetic material, whereas the present material is a biocompatible bioactive. Bonfield discloses melting all of the fibrous material it uses and therefore does not suggest the present limited melting of fiber.

WARD et al
Appl. No. 09/137,127
August 26, 2003

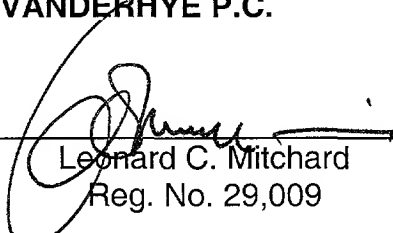
It is believed that the claims in this application are now in condition for immediate allowance. Withdrawal of the outstanding double patenting and obviousness rejections is respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

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